

Hyde County Board of Commissioners' Meeting
February 19, 2007
Minutes

The Regular Meeting of the Hyde County Board of Commissioners was called to order by Chairman Charles Ray Spencer on February 19, 2006 at 7:00 PM in the Ocracoke School Gymnasium. Board Members present were Charles Spencer, Chair; Tom Davis; Alice Armstrong; and Barry Swindell. Commissioner Nathan Sears was absent.

Also present were Carl Classen, Interim County Manager, Sid Hassell, County Attorney, and Connie Burleson, Clerk.

Chairman Spencer called the meeting to order, Doug Gibbs offered prayer.

Approval of Agenda

After consideration, Mr. Davis moved to approve the agenda as amended, to which Mr. Swindell seconded. Hearing no further discussion, Chairman Spencer called for a vote. The motion passed upon the following vote: Aye – Commissioners Armstrong, Davis, Swindell, and Chairman Spencer; No – None; Absent or Not Voting – Sears.

Approval of Minutes February 5, 2007

After consideration of amendments by Chairman Spencer, Mr. Swindell moved to approve the minutes of the February 5, 2007 Board of Commissioners Regular Meeting as submitted by the Clerk, to which Mr. Davis seconded. Hearing no further discussion, Chairman Spencer called for a vote. The motion passed upon the following vote: Aye – Commissioners Armstrong, Davis, Swindell, and Chairman Spencer; No – None; Absent or Not Voting – Sears.

Public Comments

Chairman Spencer asked for any comments from the public. Comments were received on the following issues: Exclusion from lot area calculation by the County of land under existing pavement on Ocracoke Island, Board of Education Budget, Status of Commissioner Sears, Ocracoke Board appointments and real estate taxes. Hearing no further comments, Chairman Spencer continued with the agenda.

Public Hearing – Small Cities Community Development Block Grant (CDBG) Capacity Building Program

Mr. Swindell moved to open a Public Hearing for the purpose of receiving comments from the public regarding Small Cities Community Development Block Grant Capacity Building Program, to which Ms. Armstrong seconded. Hearing no further discussion, Chairman Spencer called for a vote. The motion passed upon the following vote: Aye – Commissioners Armstrong, Davis, Swindell, and Chairman Spencer; No – None; Absent or Not Voting – Sears.

Chairman Spencer asked for comments from the public.

Mr. Classen, Interim County Manager gave an overview of the project. Hearing no comments from the public, Mr. Davis moved to close the Public Hearing, to which Mr. Swindell seconded. Hearing no further discussion, Chairman Spencer called for a vote. The motion passed upon the following vote: Aye – Commissioners Armstrong, Davis, Swindell, and Chairman Spencer; No – None; Absent or Not Voting – Sears.

Resolution Authorizing the Hyde County Board of Commissioners to be the Scattered Site Housing Selection Committee for the FY07 CDBG-Scattered Site Housing Grant

After discussion, Mr. Davis moved to approve the Resolution Authorizing the Hyde County Board of Commissioners to be the Scattered Site Housing Selection Committee for the FY07 CDBG-Scattered Site Housing Grant, to which Ms. Armstrong seconded. Hearing no further discussion, Chairman Spencer called for a vote. The motion passed upon the following vote: Aye – Commissioners Armstrong, Davis, Swindell, and Chairman Spencer; No – None; Absent or Not Voting – Sears.

CLERK’S NOTE: A copy of the approved Resolution is attached to these minutes as Exhibit A and incorporated herein by reference.

Resolution Authorizing the Release the Deed of Trust

After discussion, Mr. Davis moved to approve the Resolution Authorizing the Release of Deed of Trust, and authorized the Chairman and Clerk to execute the Satisfaction of Security Instrument when the County Manager determines that the required time period has expired or is otherwise satisfied for which County holds Deeds of Trust under various housing program, to which Mr. Swindell seconded. Hearing no further discussion, Chairman Spencer called for a vote. The motion passed upon the following vote: Aye – Commissioners Armstrong, Davis, Swindell, and Chairman Spencer; No – None; Absent or Not Voting – Sears.

CLERK’S NOTE: A copy of the approved Resolution is attached to these minutes as Exhibit B and incorporated herein by reference.

Resolution Supporting the Graveyard of the Atlantic Museum

After discussion, Mr. Swindell moved to approve the Resolution Supporting the Graveyard of the Atlantic Museum, to which Ms. Armstrong seconded. Hearing no further discussion, Chairman Spencer called for a vote. The motion passed upon the following vote: Aye – Commissioners Armstrong, Davis, Swindell, and Chairman Spencer; No – None; Absent or Not Voting – Sears.

CLERK’S NOTE: A copy of the approved Resolution is attached to these minutes as Exhibit C and incorporated herein by reference.

Budget Revisions and Transfers

After discussion, Mr. Swindell moved to approve the Budget Revisions and Transfers as submitted, to which Ms. Armstrong seconded. Hearing no further discussion, Chairman Spencer called for a vote. The motion passed upon the following vote: Aye – Commissioners Armstrong, Davis, Swindell, and Chairman Spencer; No – None; Absent or Not Voting – Sears.

CLERK’S NOTE: A copy of the approved budget amendments are attached to these minutes as Exhibit D and incorporated herein by reference.

Engelhard Water Treatment Facility --Authority to Interview Engineering Firms as Possible Alternative to Present Firm

After discussion, Mr. Davis moved to authorize the County Manager to interview Engineering Firms as possible alternative to present firm working on the Engelhard Water Treatment Facility and to bring issue back to the Board for review, to which Ms. Armstrong seconded. Hearing no further discussion, Chairman Spencer called for a vote. The motion passed upon the following vote: Aye – Commissioners Armstrong, Davis, Swindell, and Chairman Spencer; No – None; Absent or Not Voting – Sears.

Variance Application – The Preserve Phase II

After discussion, Mr. Swindell moved to approve the variance as requested by Fred Holsher Re: The Preserve Phase II Final Plat, to which Mr. Davis seconded. Hearing no further discussion, Chairman Spencer called for a vote. The motion passed upon the following vote: Aye – Commissioners Armstrong, Davis, Swindell, and Chairman Spencer; No – None; Absent or Not Voting – Sears.

Operational Agreement – Soil & Water Personnel and Fiscal Management

After consideration, the issue was deferred to the County Manager to discuss with the Soil and Water Conservation Board and to bring back to the Commissioners.

Commissioners Retreat

After consideration, Mr. Davis moved to approve a special meeting of the Commissioners beginning at 8:00 AM Saturday, March 3, 2007, in the Outer Banks Tourism Board Meeting Room, Manteo for the purpose of holding an annual retreat and directed the Clerk to post and otherwise provide notice of this special meeting in accordance with law, to which Ms. Armstrong seconded. Hearing no further discussion, Chairman Spencer called for a vote. The motion passed upon the following vote: Aye – Commissioners Armstrong, Davis, Swindell, and Chairman Spencer; No – None; Absent or Not Voting – Sears.

Swan Quarter Dike Project – Property Acquisition Solomon Cooper and R. W. Swindell Properties

Mr. Davis declared that he had a conflict of interest on this matter and asked to be excused during consideration. Mr. Swindell moved to excuse Mr. Davis from all matters relating to Property Acquisition of Solomon Cooper and R. W. Swindell Properties, to which Ms. Armstrong seconded. Hearing no further discussion, Chairman Spencer called for a vote. The motion passed upon the following vote: Aye – Commissioners Armstrong, Swindell, and Chairman Spencer; No – None; Absent or Not Voting – Davis, Sears.

After discussion, Mr. Swindell moved to authorize the County Attorney to take all steps required to secure the Solomon Cooper and R. W. Swindell Properties for use in the Swan Quarter Dike Project up to \$250 and including condemnation of the property for that purpose, to which Ms Armstrong seconded. Hearing no further discussion, Chairman Spencer called for a vote. The motion passed upon the following vote: Aye – Commissioners Armstrong, Swindell, and Chairman Spencer; No – None; Absent or Not Voting – Davis, Sears.

Commissioner Reports

Ms. Armstrong reported the Social Services Board has made great progress but is not able to provide details at this time.

Mr. Davis reported he attended the Chamber Issues Luncheon at which Carl Classen was quest speaker.

Mr. Swindell stated the Health Department worked closely with the School Superintendent in his decision to close schools due to the number of students with Flu to allow for cleanup.

Chair Spencer reported he attended a meeting with the Greenleaf Foundation Representatives regarding funding for the Matchapungo Park Project.

Chair Spencer reported he was going to Raleigh seeking funds for construction of a detox center in Williamston, NC.

Chair Spencer informed the Board that a Mental Health Transition Committee had been formed.

Manager's Business

Financial Report: Mr. Classen gave an overview of the budget summary.

Hazardous Waste Collection: Hazardous Waste Collections will be conducted t two locations in Hyde County. Davis Youth Center, Engelhard 9AM – 4PM and Life-guarded Beach Access, Ocracoke 10 AM – 1 PM Saturday, March 10, 2007.

Ocracoke Projects: Interim County Manager Carl Classen has met with citizens on Ocracoke regarding the Ocracoke Fish House Project, Berkley Manor Project and the Ocracoke Community Store and made contacts investigating funding sources for projects.

Street Name – D Block Avenue W: After consideration, Mr. Swindell moved to approve street name as D Block Avenue W and directed the County Manager to take all steps necessary to implement this action, to which Ms. Armstrong seconded. Hearing no further discussion, Chairman Spencer called for a vote. The motion passed upon the following vote: Aye – Commissioners Armstrong, Davis, Swindell, and Chairman Spencer; No – None; Absent or Not Voting – Sears.

Closed Session

After consideration, Mr. Davis moved to enter into closed session to discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations. The action approving the signing of an economic development contract or commitment, or the action authorizing the payment of economic development expenditures, shall be taken in an open session. [NCGS 143-318.11(a)(4)], to which Mr. Swindell seconded. Hearing no further discussion, Chairman Spencer called for a vote. The motion passed upon the following vote: Aye – Commissioners Armstrong, Davis, Swindell, and Chairman Spencer; No – None; Absent or Not Voting – Sears.

With no further discussion, Ms. Swindell moved to come out of closed session, to which Mr. Davis seconded. Hearing no further discussion, Chairman Spencer called for a vote. The motion passed upon the

following vote: Aye – Commissioners Armstrong, Davis, Swindell, and Chairman Spencer; No – None; Absent or Not Voting – Sears.

Adjournment

After consideration, Mr. Davis moved to adjourn the meeting at 8:15PM, to which Ms. Armstrong seconded. Hearing no further discussion, Chairman Spencer called for a vote. The motion passed upon the following vote: Aye – Commissioners Armstrong, Davis, Swindell, and Chairman Spencer; No – None; Absent or Not Voting – Sears.

Submitted by:

Connie Burleson, Clerk to the Board of Commissioners

Approved this __ day of March 5, 2007:

Charles Spencer, Chairman,
Hyde County Board of Commissioners